

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ROSE NEW

PLAINTIFF

vs.

CIVIL ACTION NO. 4:13-cv-0013-SA-SAA

COMMISSIONER OF SSA

DEFENDANT

ORDER ON REPORT AND RECOMMENDATION

On consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated October 23, 2013, was on that date duly served by electronic mail through the court's CM/ECF system upon counsel for the plaintiff. Plaintiff thereafter filed an Objection to the Report and Recommendation arguing that the Plaintiff's attorney's inexperience with non-IFP plaintiffs was the cause for delay in this case. Because a dismissal under Federal Rule of Civil Procedure 41(b) is an adjudication on the merits, the Court declines to adopt the Report and Recommendations of the United States Magistrate Judge.

It is, therefore, **ORDERED:**

1. that the Court declines to adopt the report and recommendations of the United States Magistrate Judge dated October 13, 2013, and
2. Plaintiff is instructed that process shall issue to the Defendants named within twenty-one (21) days of the date of this Order.
3. A failure to further comply with the deadlines established by this Court shall result in the dismissal of this action.

THIS, the 8th day of April, 2014.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE